

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JEROME S. CAPPS,	:	
Plaintiff,	:	
vs.	:	Case No. 3:11cv00182
MICHAEL J. ASTRUE,	:	District Judge Walter Herbert Rice
Commissioner of the Social	:	Magistrate Judge Sharon L. Ovington
Security Administration,	:	
Defendant.	:	

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**DECISION AND ENTRY**

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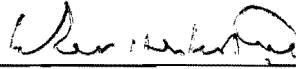
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The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #12), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on April 26, 2012 (Doc. #12) is ADOPTED in full;
2. The Commissioner's non-disability finding is vacated;
3. No finding is made as to whether Plaintiff Jerome Capps was under a "disability" within the meaning of the Social Security Act;

4. This case is remanded to the Commissioner and the Administrative Law Judge under Sentence Four of 42 U.S.C. §405(g) for further consideration consistent with the Report and Recommendations (Doc. #12) and this Decision and Entry; and,
5. The case is terminated on the docket of this Court.



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Walter Herbert Rice  
United States District Judge